

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**Joe'd, Karen & Jesse Axmear
ID #62539
Section 11, Adam Township
Keokuk County, Iowa**

ADMINISTRATIVE CONSENT ORDER

NO. 2008-AFO-17

**TO: Joe'd, Karen & Jesse Axmear
10118 225th Ave
North English, Iowa 52316-9010**

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c" and 567 IAC 65.17. You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by September 1, 2006 and September 1, 2007. You were sent a notice of these requirements on March 27, 2006, July 18, 2006, Notice of Violation (NOV) for Failure to Submit on October 26, 2006 and a second NOV on December 13, 2006. On July 13, 2007, you were sent a notice of the requirement to submit your MMP by the mandatory deadline and on October 19, 2007, you were sent an NOV, by certified mail, for failure to submit the annual update. On November 20, 2007, you were sent a notice, by certified mail, that the matter will be referred to the Department's Legal Services Bureau.

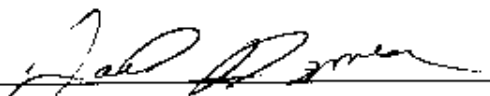
ORDER: You shall submit to Department Field Office #6 your complete MMP and fee within 30 days of the Director signing this Consent Order (Order). In addition, a penalty of \$4,000.00 shall be paid 30 days after the date the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$1,000.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$2,000.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,000.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent numerous notices of the requirement and a notice of referral by the Department.

AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c", 567 IAC 65.17.

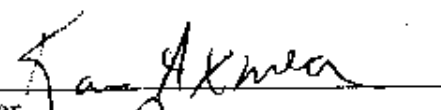
APPEAL: This Order is entered into knowingly by and with the consent of Joe'd, Karen Axmear & Jesse Axmear. For that reason, they waive their right to appeal this Order or any part thereof.

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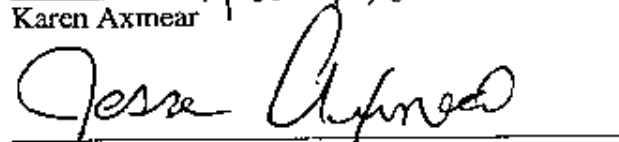
NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.


Joe'd Axmear

Dated this 6 day of May, 2008


Karen Axmear

Dated this 6 day of May, 2008


Jesse Axmear

Dated this 6 day of May, 2008


Richard A. Leopold, DIRECTOR

Dated this 19 day of May, 2008

IOWA DEPARTMENT OF NATURAL RESOURCES

502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

VIII. C.1; EPA, Carrie Schoenebaum, Ken Hennesius, Field Offices